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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/810,667

03/29/2004

Carl Abrams

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30743

7590

09/11/2008

WHITHAM, CURTIS & CHRISTOFFERSON & COOK, P.C.  
11491 SUNSET HILLS ROAD  
SUITE 340  
RESTON, VA 20190

EXAMINER

TRAN, THUAN Q

ART UNIT

PAPER NUMBER

3693

MAIL DATE

DELIVERY MODE

09/11/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/810,667	<b>Applicant(s)</b> ABRAMS ET AL.	
	<b>Examiner</b> Thuan Tran	<b>Art Unit</b> 3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### Status of Claims

1. This action is in reply to the preliminary amendment filed on 4-1-2008.
2. Claims 1-29 have been cancelled.
3. Claim 30 is currently pending and has been examined.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claim 30** is rejected under 35 U.S.C. 103(a) as being unpatentable over Peckover, US Patent 6,119,101 in view of Owens, US 2003/0004831.

6. **As per claim 30**

Peckover teaches:

- receiving, at a reference data provider (consumer agent, see at least column 15 line 33-36), an information data stream (extended search, see at least column 21 line 53-56) generated from each of a given plurality of entity valuation information vendors (the market, see at least column 15 line 32 and 36), each information data stream identifying the generating

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entity valuation information vendor's stated monetary value of at least one subject entity (the suggested retail price, see at least column 25 line 54-57);

- receiving a service arrangement data (preference data entered manually by the user, see at least column 19 line 13-15) identifying an *unauthorized* vendor list, said *unauthorized* vendor list identifying entity valuation information vendors from among said plurality of entity valuation information vendors to which the customer has a given *denial of* authorization to receive said vendor's information data stream (see at least column 19 line 3-9 and FIG 5B, brand names 1-5 are authorized vendors and pizza delivery and phone solicitation are unauthorized vendors);

Examiner Note: From the wording of the claim, the examiner understands that each of the plurality of customer's may all share the same single list of authorized vendors.

- storing said service arrangement data at said reference data provider (see at least column 18 line 40-41 and line 45);
- storing, at said reference data provider, a default rule for each of said customers, said default rule based at least in part on the customer's stored service arrangement data, said default rule specifying an algorithm for generating a Best Known Value Available (BKVA) of a given subject entity (see at least FIG 5B. The key of "MSG in food" with a value of "dislike" will lower the ranking of food with MSG in it, thus, this is a rule that specifies an algorithm for generating the BKVA);

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- generating, for at least one given subject entity, a best known value data (BKV), based on a collection of all of said entity valuation information vendor's respective information data streams that include the respective vendor's stated monetary value of said subject entity (see at least column 19 line 19-22);
- forming a set H of all of said entity valuation information vendors whose generated information data stream includes the generating vendor's stated monetary value of said subject entity (see at least column 30 line 33-44, the set H is the search results from the Deliver Search Results subroutine before they are organized by the Preference Manager);
- generating for each of at least one of said customers, for said at least one given subject entity, a customer-specific BKVA, wherein said generating compares said customer's authorized vendor list to said set H and sets said customer's customer-specific BKVA of the subject entity to be said BKV if at least one of the vendors identified by the customer's authorized vendor list is within set H, else sets said customer's customer-specific BKVA of the subject entity in accordance with said default rule stored for said customer, wherein said setting includes applying said default rule's algorithm to the information data stream of at least one of the entity valuation information vendor's identified by the customer's authorized vendor list (see at least column 19 line 19-22 and FIG 5B); and

Examiner's note: The embodiment of Peckover teaches ranking the results is the default rule for generating BKVA and the preference data filters out types

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of food vendors is the authorized vendor list. These steps are shown concurrently in Peckover, however, the order of the steps of ranking and filtering makes no difference in the final best known value for the customer. Therefore, this embodiment of Peckover teaches the limitations of this claim.

- transmitting to each of at least one of said customers the customer-specific BKVA of the subject entity (see at least column 14 line 37-41).

Although Peckover teaches filtering multiple data streams to produce a best price for a customer including having an unauthorized vendor list, he does not specifically teach an authorized vendor list. Peckover's default is to include all vendors requiring the customer expressly make them unauthorized. It would be a simple change to Peckover's default to exclude all vendors requiring the customer expressly authorize them. Owens teaches producing an authorized vendor list; the vendor selecting at least two grocery stores, see at least paragraph 0031. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Peckover and Owens to produce a system to finds a best price from authorized vendors with motivation to reduce a customers procurement cost by limiting his vendors to a nearby area, see Owens paragraph 0031.

Although Peckover in view of Owens teaches using a user preference filter, in other words, an authorized vendor list, to filter multiple data streams from a

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plurality of vendors to produce a best price for a customer, they do not specifically teach that the user preference filter is for a plurality of customers.

However, a separate embodiment of Peckover teaches a user preference filter for multiple users, in other words, identifying an authorized vendor list for each of a plurality of customers, see at least column 16 lines 63-65. Here, a group of providers has set a preference that only specific customers may enter the restricted market. Since all users may be either a customer or a provider, see at least column 14 lines 62 to column 15 line 9, Peckover also teaches that a group of customers has set a preference that only specific providers may enter the restricted market.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine these embodiments of Peckover in view of Owens to produce a system that filters incoming data for a plurality of customers using a single authorized vendor list to find a best price for a customer with motivation to restrict access to special prices, see at least Peckover column 17 line 2-4.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuan Tran whose telephone number is 571-270-1832. The examiner can normally be reached on Monday-Friday 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on 571-272-6783. The

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fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James A. Kramer/  
Supervisory Patent Examiner, Art Unit 3693

Thuan Tran  
Patent Examiner  
9-4-2008